

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
January 3, 2005 7:00 PM**

PRESENT: William Sullivan, Chairman, Virginia Bridle-Russell,
James Workman, Cliff Pratt, Rick Griffin
James Barrington, Town Manager
Karen Anderson, Administrative Assistant

I. SALUTE TO THE FLAG

Mrs. Dyana Martin led the audience in the salute to the flag.

II. ANNOUNCEMENTS

Mrs. Bridle announced that there will be a forum on drug and alcohol issues in the Seacoast next Monday, January 10th at 6:00 PM at Winnacunnet High School.

III. APPOINTMENTS

1. Mrs. Dyana Martin, Recreation Director Re: Holiday Lighting Contest Winners

Mrs. Martin and Mr. Bill Morrissey presented plaques to the award winners of the first Holiday Lighting Contest that was put together by the Recreation Advisory Committee. The winners of the business division were: 3rd Place- Sea Spiral; 2nd Place - Victoria Inn; 1st Place - LeBec Rouge. In the residential division the winners were: 3rd Place - the Curtis Family of Woodland Road; 2nd Place – The Brown Family of Mary Batchelder Road; 1st Place - the Mitchell Family on Hedman Lane.

2. Mrs. Diana LaMontagne, Re: Appeal of Curb Cut Design

Mrs. LaMontagne said that she is before the Board in regard to her property at 15 & 17 P Street. She has met with Mr. Barrington and the engineers in regard to the proposed curb cut for her two buildings and said that as proposed, she will be losing all of her parking. Mrs. LaMontagne told the Board that the land was surveyed in 1982 by Parker Survey and no encroachments were found at that time; now she is being told that there is an encroachment. She has concerns that the sidewalks are a waste of money and will result in no place for her tenants or visitors to park. She asked what the Board of Selectmen can do to help her with her parking. She said she has no intention of signing the plan that has been submitted to her and she is dependent on the income from 17 P Street. Mrs. LaMontagne said that the new sewers are needed and asked if the residents will have to pay to go into the sewer again. Mr. Barrington said that residents will not be charged a second sewer entrance fee. Mrs. LaMontagne said that she will be removing the shed that is between 15 & 17 and that is where she will park. She noted that in 1982 she received a letter from the Town Assessor at the time, Mr. Blais, stating that her property had no encroachments. Mr. Barrington said that Faye, Spofford and Thorndike are working with Parker Survey and they will look into her concerns.

Mr. Griffin asked how many parking spaces she has prior to this plan. Mrs. LaMontagne said that she had four and now she would only have one. Mrs. Bridle said that Mr. Barrington can confirm the earlier survey to determine which survey is correct. Mr. Sullivan said that the Town Manager will look into this with the engineers and surveyor and the Board of Selectmen will discuss this further next week. Mrs. LaMontagne said that she will sue the town if she does not get every inch of her land. She said parking at the beach is important.

3. Mr. Jeff Angold, Temorary Construction Signage

Mr. Angold, representing the Castaway Café, and a family of hotels on Hampton Beach spoke with the Board in regard to temporary signage during the construction period at the beach and the signs that will be authorized by the Town of Hampton, FST, and the DOT. Mr. Angold asked the Board of Selectmen to authorize the use of a temporary sign that he has already made while waiting for the official signs to be made.

Mr. Barrington said that a vendor has agreed to a price for signs that will be available to the businesses, and a two-sided sign will cost them approximately \$100.00. Mr. Sullivan asked if the Board of Selectmen has the authority to allow the sign on Ocean Boulevard. Mr. Barrington said that if the Board of Selectmen is agreeable, we could ask D.O.T. to allow it while the approved signs are being made. Mr. Workman asked how long it will take for the standardized signs to be produced. Mr. Barrington said that he was not sure, but he anticipated it would be less than a week. Mr. Workman said that it is important not to impede any business during this project and this sign appears to be reasonable. He added that putting it in the breakdown lane is fine with him. Mr. Griffin said that he did a good job stating his case and the sign is professional and he has no problem with this. Mrs. Bridle said that she is sorry there has already been a loss of business and was in favor of allowing the temporary sign.

Mr. Workman MOTIONED that the Board of Selectmen authorize the placement of the sign temporarily in the breakdown lane on Ocean Boulevard.

Mr. Griffin SECONDED

VOTE: UNANIMOUS FOR

V. OLD BUSINESS

Town Manager's Report

Town Office Lighting

Mr. Barrington reported that Parsons Electric has replaced a number of burned out light bulbs both inside the Town Office Building and in the light fixtures on the grounds.

Food Pantry Donations

Mr. Barrington told the Board that at the town's annual employee Christmas party this year, it was suggested that we would be accepting donations to our food pantry from any employee who wished to participate. We had between 40 and 50 employees in attendance and 127 items were received for the welfare direct assistance food pantry. The employees were thanked for their generosity.

Bond Sale

Mr. Barrington reported as a footnote to the recent bond sale, the NH Municipal Bond Bank recently sold bonds at 4.4273586%. Compared with the 3.856667% the Town got, there was a savings of over \$368,000 in interest charges by selling on our own rather than going with the Bond Bank.

Town Clock

Mr. Bob Webber called the Town Manager to report on the progress made on the Town Clock from the old Odd Fellows building. Mr. Bob Webber and his son Harvey have reassembled the base mechanism so that it is standing upright and most of the gears are interlocking. They reported that White's Welding is fabricating some parts for them, and there are some other pieces they will have to acquire.

Acquisition of Water Company

Mr. Barrington reported that he received a phone call from George Sansoucie, who is an engineer in the consulting business on public acquisitions of private water companies. He provided some guidance on such studies and on rate case interventions.

Warrant Articles

The Board reviewed the proposed warrant article list and noted the article added for drainage on Kings Highway. Mr. Barrington explained that if the Board of Selectmen wants to forward either of the warrant articles that require a bond or lease, the decision needs to be made at this meeting in order to schedule the required public hearing and meet the publication deadlines. The hearing must be held on January 17th.

Mr. Sullivan noted that the Moody's Investment letter with the bond rating has a lot of nice things to say about the Town and Mr. Sullivan asked if the Board would like to publish it in the Town Report. Mr. Barrington will secure permission.

Elmwood Corners

Mr. Barrington said that the Board has held the required public hearings under RSA 41:14-a for the acceptance of the easements associated with Elmwood Corners and need to vote on the matter at this meeting.

Mr. Pratt MOTIONED that the Board of Selectmen not accept the easements.

Mr. Workman SECONDED

Mr. Pratt said that accepting these easements is upsetting too many people in town. He feels the town owns the land and he would like to see that pursued. Mrs. Bridle asked if the town does not accept the easements if that would change the tax status. Attorney Geareald said that if the town does not accept the easements the questions on the title remain. The Board of Selectmen, as the assessor's for the Town could direct the assessor to tax the land or not.

**VOTE: 4 FOR
1 ABSTAIN (Griffin)**

Warrant Articles

Mr. Sullivan said that he is not in favor of putting a dollar amount on Article "B" for the acquiring the water company. The Board agreed and the question will go forward to the ballot without any appropriation.

Mr. Sullivan asked why Article "C" for adoption of a Business license is questionable. Mr. Barrington explained that Attorney Gearreald has not been able to find statutory authority for the Town to have an occupational license. Mr. Sullivan asked how Seabrook has one. Attorney Gearreald said that Seabrook's ordinance does not reference an enabling statute. Mr. Pratt said that Manchester has one as well. Mr. Barrington said that cities fall under different rules. Mr. Sullivan said that the town is trying to help the Police and Fire Department with restaurants and businesses and giving them the ability to revoke the license of places that are giving them trouble. Mr. Workman said that the problem is mostly with the establishments that serve alcohol. Attorney Gearreald said that Seabrook uses it as a registration process, not as a revenue generator. Mr. Workman said that Hampton was not looking at it as revenue generator either. Mr. Sullivan said that if Chief Wrenn comes to the Board of Selectmen saying that he is having a problem with a certain business, they want to be able to assist and close a business. Attorney Gearreald will look into rewording the article to apply to restaurants.

Mr. Sullivan noted that members of a Charter Commission have been added to the list of offices to be voted on and he asked if that is in conjunction with the article to establish a Charter Commission. Mrs. Bridle said she does not feel that this is the year for that. Mr. Workman said that it was five years ago that this was last put forward and he would like to see it on there. He added that the town keeps growing and if there are some things that could be done to make it more efficient, it should be done sooner rather than later. Mr. Sullivan said that there is no other way to know what the majority of the voters want to do without putting it on the ballot. The article as well as the positions for a Charter Commission will go forward on the ballot.

Mr. Sullivan noted that Article "O" is \$6.8 million for the construction of a fire station in the precinct. He said that a commitment was made to the Commissioners that something would be put forward in 2005, but he is not in favor of doing that this year. Mr. Barrington said that there is a provision in the lease that an extension could be granted for one year. The Board of Selectmen asked Mr. Barrington to request the one-year extension.

A new fire ladder truck has been requested as a lease/ purchase arrangement and a public hearing will be required. The Board of Selectmen scheduled the required hearing for January 17th.

The Special Revenue Fund articles were discussed with the Board requesting that the clause at the end of the articles "would be discontinued" be changed to "could not be funded". Mr. Workman noted that this is an acknowledgement of the new law and if the articles do not pass the purpose of the article can not be funded.

Attorney Gearreald has questioned the legality of the article which would transfer the excess funds from an SRF to the General Fund. Mr. Workman said that there had been discussion about using the excess funds to purchase a cruiser. Mr. Barrington said that may still be able to be done since cruisers are used in special details. Article F-a was deleted.

Mr. Warren Bambury was present to answer any questions regarding the CEMAQ grant (Article "N") that the Board had. Mr. Bambury said that this grant would be municipally managed rather than state managed, and is 80% funded by federal funds. There are two separate portions of the grant, with the first portion for fiscal year 2005 is \$50,000 with \$10,000 being town funds for planning and engineering. Mr. Bambury said that when the work is done, a bill is sent to the Town, the Town verifies that the work was done and the bill is then sent to the Department of Transportation, who reimburses the community 80% and sends Hampton the check. Hampton in turn then adds their \$10,000 and pays the bill. The following fiscal year when the grant is for \$702,000 for the actual work, the same process is in place and the town's share is \$140,000. Mr. Bambury said that he has been told that the town does not have to first pay the 80%.

Mr. Bambury told the Board that when he brought the grant to the Board a few weeks ago, he did not mention that he planned to present a warrant article to cover the 20% of the town's cost. He explained that there is a statute that allows communities to put a surcharge on vehicle registrations for this purpose and the warrant article would set up a special account from the proposed \$5 surcharge on vehicle registrations. The funds for the town's share of this grant would come from that fund. Mr. Peter Olney said that there are important reasons for this grant, it will complete a regional bike route from the interior of the Seacoast to Route 1A and while there has been enthusiastic participation of other towns, the real beneficiary will be the beach itself. There is also the side benefit, in that this will go close to the junior high and high school and provide safer travel for the students. This project had the highest priority for funding in the State program because it was supported by many towns and it showed a piece of the regional plan that would be completed for alternate means of transportation. There is some disappointment on the parts of people when it is not being completed. In addition, Hampton as a town needs to demonstrate their willingness to cooperate on a regional basis.

Attorney Gearreald said that he has some concerns with the contract because it appears that the town has to pay the full amount of the invoices prior to the reimbursement by the State. Mr. Bambury said that he has been given contradictory information from D.O.T.. Mr. Barrington said that he spoke with Cliff Sinnot today and he said that the town can invoice D.O.T. on a monthly basis and does not have to pay the total cost upfront. He said that he has a cash flow concern if the town has to pay the costs and wait for a reimbursement. Mr. Barrington said that if D.O.T. can make the words of the contract match that understanding he would not have a problem with this article. Mr. Olney said that he has spoken with Mr. Sinnot and he is anxious to get this worked out. Mr. Bambury said that the federal funds have already been committed and the State has received them. Mr. Workman asked if the Board of Selectmen can consider wording the article "to raise \$152,000 and appropriate \$752,000" so it is clear for the voters. Mr. Barrington said that the original verbiage broke the article into two years. The Board will wait until next week to finalize this wording. Mr. Barrington asked if the Board wants the entire amount in 2005 or split it into two years. The Board agreed to have the article for the one year appropriation with the note of what the balance would be the following year. Mr. Barrington said that the initial discussion of this had included rebuilding the road and doing drainage as part of the ten year plan, he asked what the status is of that. Mr. Bambury said that work is not on the State 10- year plan.

Mr. Barrington reported that Mr. Hangen has requested that Article "R", \$140,000 for the additional funds for the mechanized packer be deleted. Mrs. Bridle stated that she was very pleased to see that deleted.

An article has been added to amend the Waste Collection and Storage ordinance and the ordinance needs to go on the ballot in its entirety. Mr. Sullivan asked if the ordinance has to have a penalty. Mr. Barrington said that it should have a penalty for enforcement. The specifics on this article will be finalized next week.

Mrs. Bridle said that she is not in favor of moving forward with the article for parking meters.

Mrs. Bridle MOTIONED that the Board of Selectmen not put forward article "P" for parking meters.
Mr. Workman SECONDED **VOTE: UNANIMOUS FOR**

Mr. Barrington asked the Board of Selectmen if they want to put forward an article for \$850,000 for drainage on Kings Highway. Mr. Sullivan said that Mr. Hangen had originally proposed to use the old sewer lines for drainage. Mr. Barrington said that the warrant article for the infrastructure did not contain the proper language to pursue that work and it was not anticipated in the budget as prepared. There is some possibility that the pump station will be able to be used for storm water, but the existing clay pipes are not of adequate size to carry the storm water. Mr. Barrington said it would be nice to do this at the same time as the sewer work and there would be some economies of scale. Mr. Barrington said that he has discussed with the engineers that if this is not able to do this, every effort will be made to address drainage through surface drainage. If the Board wants to go forward with this a public hearing is needed. Mr. Workman said that the work being done will make some improvements. The Board of Selectmen agreed not to put this article forward.

V. NEW BUSINESS

Acceptance of Annual Installment of State grants – Certification of Manager to Sign

Mr. Workman MOTIONED that the Board of Selectmen accept the annual installment of State Grants and to further authorize James S. Barrington, Town Manager to sign the applications and related paperwork on behalf of the Board of Selectmen.

Mr. Pratt SECONDED **VOTE: UNANIMOUS FOR**

Hampton Falls Emergency Dispatch Rate

Mr. Sullivan asked Mr. Barrington what the current rate is. Mr. Barrington said that currently Hampton Falls pays \$7,500 for fire dispatch services. Mr. Sullivan recommended the Board of Selectmen increase the charge to \$20,000.

Mr. Pratt MOTIONED that Hampton Falls be charged \$20,000 for fire dispatch services in 2005.

Mr. Workman SECONDED

Mrs. Bridle asked why such a large increase. Mr. Sullivan said that he feels that the work Hampton employees do for Hampton Falls is worth that amount.

VOTE: UNANIMOUS FOR

Recreation

Mrs. Bridle asked if the plan that was done several years ago for a community center could be updated for a smaller amount of money that it would be to start plans all over again. Mr. Pratt said that the Community Center Committee is looking into that. Mrs. Bridle asked if the funds for the tennis court renovations could be taken in whole or in part from the Recreation SRF fund, since tennis is a program that is offered. Mr. Barrington said that is a good point and he will look into it.

District Court

Mr. Workman asked what the status is with the District Court. Mr. Barrington said that he spoke with Mr. Goodwin and he believes there is still serious talk about a consolidated Hampton /Exeter District court in Hampton. They have asked the Town to see if there are sites that they could hold court, even if it is separate from the administrative offices.

Coalition Communities

Mr. Barrington told the Board that the Coalition Communities has announced that there will be a meeting at WHS on January 11th of the eight donor towns. Martha Fuller Clark will be present to hear about the concerns from the towns in this district. The meeting is from 6-8 PM and is open to the public.

Sanborn Group

Mr. Sullivan said that while he is known to be outspoken, he has never referred to anyone that has come before the Board as “dumb” or “stupid”. Mr. Sullivan said that he read in the paper that a Hampton resident referred to a representative from the Sanborn Group as “dumb as a rock” during a recent Hampton Beach Commission meeting. Mr. Workman said that was not the majority opinion of the committee. Mr. Sullivan said that he will call and tell the representative that he does not feel that way.

Grievance

Mr. Workman MOTIONED that the Board of Selectmen go into a non-public for a decision on the grievance brought forward from the Police Association.

Mr. Pratt SECONDED

VOTE: UNANIMOUS FOR

VI. MINUTES

The minutes of December 20, 2004 were accepted as written.

VIII. PUBLIC COMMENT

Mr. Brian Leno, Leavitt Road said that he went to the Assessor's office and learned that taxes will be paid on the strip of land by the Elmwood Corner property owners for the first time in 2005. Mr. Leno said that residents have concerns with him paying taxes on the property because it will appear that he will take possession of the property. Mr. Barrington said that there will likely be some litigation on this property because it will be the only way for someone to get quiet title to the property. Attorney Gearreald said that the tax issue is just a minor piece. He explained that Elmwood Corner went to the Zoning Board of Adjustment and represented through a plan that they owned the strip of land; Mr. Barrington wrote to them with a concern about the title and the easements were proposed to settle that concern. Attorney Gearreald said that he anticipates now that there will be a court issue to settle the title question. Mr. Leno asked if there is a way that the town can not tax him for that parcel of property. Mr. Sullivan said that the Board of Selectmen are the assessors and they can take action on this. Mr. Pratt asked Attorney Gearreald to look into this for next week.

Mr. Leno said that as Chairman of the Community Center Committee, he wanted to explain that the warrant article for funds is a recommendation of the committee and while they are trying to get grants to offset the design costs they don't believe any grant funds will be received prior to Town Meeting. Mrs. Bridle said that some of the planning work has already been done and she would like the committee to consider saving some money and reusing that work. Mr. Leno said that the committee has looked at the plans and will consider using them.

Judith Beaulieu, Leavitt Road said that she appreciates the Board of Selectmen vote and hopes that the land can be preserved. She asked about the funds in the SRF that have not been spent and how they could be returned to the general fund. Attorney Gearreald said that a warrant article could be written to use the funds for a purpose related to the established purpose or an article could be written to do away with the funds and all proceeds would be returned to the general fund.

Mrs. Beaulieu said that she is also concerned with bicycle safety in the town and adding bicycle paths to the town could be dangerous. She said that if the town is going to do that there should be an ordinance requiring helmets and bicycle safety education.

Mr. Mike Douglas, 13 Atlantic Avenue thanked the Board for voting not to go forward with the parking meters. Parking is a big concern for all of the beach residents. Mr. Douglas said prior to this meeting he had never heard about a letter from the town to residents stating if they had or didn't have encroachments onto town property.

Mr. Henry MacAteer, Leavitt Road asked if there is any way that the residents can make sure that no additional changes are made to the strip of property on Leavitt Road until the ownership is established. He said that there is a pattern of the owner removing trees and a safety pole already, as well as trimming limbs along the path already. The issue of the safety pole is important because someone drove down the path onto Winnacunnet Road during the recent snow. Mr. Sullivan said that the Board should discuss this in a non-meeting with the Attorney due to the litigation concerns.

Mr. Harvey Webber showed the Board of Selectmen the gears of the clock that have been cleaned. He said that in time, they will be raising money for a housing. They are now looking for residents to donate sand blasting services. Mr. Webber said that when the clock is completed it will be quite the showpiece.

Mr. Mike Scanlon, 4 J Street said that he wants the Board of Selectmen to be careful with the warrant process and noted that there have been disparaging remarks about the results of the article last year to stop the sewer project. He stated that the Board of Selectmen is attempting to remove parking from places that have been there for 106 years; there are problems with deed restrictions and people have already spent \$25,000 in legal fees to protect their property rights. Mr. Scanlon stated that the voters determine the budget and who represents them as a selectman.

Mr. Scanlon said that the Planning Board is going to be discussing parking restrictions and non-conforming lots. The issue that Mrs. LaMontagne has is because the streets are so narrow they should be for through traffic only. Parking is an issue at the beach and it needs to be looked at. Mr. Scanlon said that at the State and local level there are some issues where rights have been lost and the public has no trust at the Board of Selectmen level.

Mr. Scanlon said that he expects an answer on his deed restrictions before the next zoning board meeting. He said that there is a problem basically, with an overlapping of board members being on various boards and commissions. He said that he taped the meeting with Mr. Farley and it is his intention to create non-conforming uses. Mr. Scanlon said the town has made a pact with the devil.

Mrs. Jeanine Guzman-Scanlon asked Attorney Gearreald about the SRF funds and if it is possible for the voters to amend the SRF so that a percentage of the balance can be returned to the general fund to offset the tax rate. She said that would alleviate the concern of the voters of money just sitting there. She thanked the Board for doing away with the articles for the parking meters. She said she loves Hampton Beach and she wanted to caution the Board about closed door meetings. She said the precinct land swap has been very public and there is a lot of concern because there has been an erosion of the public trust in Hampton.

Mrs. Scanlon said that there are a lot of questions about the land swap that are unanswered and one of the commissioners did not know about the terms. The process of moving Hampton Beach to a better place has been pulled in too many directions. She said she has asked for seven months for a list of every street and owner because she wants to talk with every owner and see how they are being affected by the project, she feels there is a possibility of solutions coming from the residents and putting something together.

The Board of Selectmen recessed into a non-public session at 9:35 PM for discussion of the grievance with Attorney Gearreald.

The Board of Selectmen returned to public session at 9:45 PM.

Mr. Griffin MOTIONED that the Board of Selectmen uphold the Town Manager's denial of the grievance.

Mr. Pratt SECONDED

VOTE: UNANIMOUS FOR

VIII. ADJOURNMENT

Mr. Sullivan MOTIONED that the meeting be adjourned. (9:45 PM)

Mr. Workman SECONDED

VOTE: UNANIMOUS FOR

Chairman